



DEPARTMENT OF THE INTERIOR

[FWS-R4-ES-2022-N029; FVHC98220410150-XXX-FF04H00000]

Deepwater Horizon Oil Spill Natural Resource Damage Assessment, Alabama

Trustee Implementation Group: Draft Bon Secour National Wildlife Refuge

Recreation Enhancements: Supplemental Restoration Plan

AGENCY: Department of the Interior.

ACTION: Notice of availability; request for public comments.

SUMMARY: In accordance with the Oil Pollution Act of 1990 (OPA), the National Environmental Policy Act of 1969 (NEPA), the *Final Programmatic Damage Assessment Restoration Plan and Final Programmatic Environmental Impact Statement* (Final PDARP/PEIS), and the Deepwater Horizon (DWH) Consent Decree, the Federal and State natural resource trustee agencies for the Alabama Trustee Implementation Group (Alabama TIG) have prepared the *Draft Bon Secour National Wildlife Refuge Recreation Enhancements: Supplemental Restoration Plan* (SRP). The Alabama TIG proposes to add approximately \$1.5 million to the Mobile Street Boardwalk project budget. This would continue the process of restoring lost recreational use in the Alabama Restoration Area that resulted from the DWH oil spill of 2010. We invite comments on the Draft SRP.

DATES: *Submitting Comments:* We will consider public comments on the Draft SRP that we receive on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: *Obtaining Documents:* You may download the Draft SRP from the following websites:

- <http://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama>
- <http://www.doi.gov/deepwaterhorizon>

Alternatively, you may request a CD (compact disc) of the Draft SRP (see **FOR**

FURTHER INFORMATION CONTACT).

Submitting Comments: You may submit comments on the Draft SRP by one of the following methods:

- *Via the Web:* <http://www.gulfspillrestoration.noaa.gov/restoration-areas/alabama>
- *Via U.S. Mail:* U.S.F.W.S. Gulf Restoration Office, 1875 Century Blvd., Atlanta, GA 30345. In order to be considered, mailed comments must be postmarked on or before the comment deadline given in **DATES**.

FOR FURTHER INFORMATION CONTACT: Nanciann Regalado, via email at nanciann_regalado@fws.gov or via telephone at 678-296-6805. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Introduction

On April 20, 2010, the mobile offshore drilling unit, Deepwater Horizon, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252 – MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The DWH oil spill is the largest oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. In addition, well over 1 million gallons of dispersants were applied to the waters of the spill area in an attempt to disperse the spilled oil. An undetermined amount of natural gas was also released into the environment as a result of the spill.

State and Federal trustees conducted the natural resource damage assessment (NRDA) for the Deepwater Horizon oil spill under the Oil Pollution Act 1990 (OPA; 33 U.S.C. 2701 *et seq.*). Pursuant to the OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and to determine the actions required to compensate the public for those injuries and losses. The OPA further instructs the designated trustees to develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of the injured natural resources under their trusteeship, including the loss of use and services from those resources from the time of injury until the completion of restoration to baseline (the resource quality and conditions that would exist if the spill had not occurred).

The Deepwater Horizon Trustees are:

- U.S. Department of the Interior (DOI), as represented by the National Park Service, U.S. Fish and Wildlife Service (USFWS), and Bureau of Land Management;
- National Oceanic and Atmospheric Administration (NOAA), on behalf of the U.S. Department of Commerce;
- U.S. Department of Agriculture (USDA);
- U.S. Environmental Protection Agency (EPA);
- State of Louisiana Coastal Protection and Restoration Authority, Oil Spill Coordinator's Office, Department of Environmental Quality, Department of Wildlife and Fisheries, and Department of Natural Resources;
- State of Mississippi Department of Environmental Quality;
- State of Alabama Department of Conservation and Natural Resources and Geological Survey of Alabama;
- State of Florida Department of Environmental Protection and Fish and

Wildlife Conservation Commission; and

- State of Texas: Texas Parks and Wildlife Department, Texas General Land Office, and Texas Commission on Environmental Quality.

The Trustees reached and finalized a settlement of their natural resource damage claims with BP in an April 4, 2016, Consent Decree approved by the U.S. District Court for the Eastern District of Louisiana. Pursuant to that Consent Decree, restoration projects in the Alabama Restoration Area are now chosen and managed by the Alabama TIG. The Alabama TIG is composed of the following six Trustees: Alabama Department of Conservation and Natural Resources, Geological Survey of Alabama, DOI, NOAA, EPA, and USDA.

Background

The Alabama TIG Restoration Plan III/Environmental Assessment (RP III/EA) selected seven projects for implementation, allocating funds from two restoration types identified in the DWH Consent Decree: “Provide and Enhance Recreational Opportunities” and “Birds.” The Alabama TIG RP III addendum subsequently approved funding for the two projects conditionally approved in the RP III/EA, one of which was the Bon Secour National Wildlife Refuge Recreation Enhancement – Mobile Street Boardwalk (Mobile Street Boardwalk) Project. Since then, the project cost estimate has been revised because of increased costs in materials and construction.

Overview of the Alabama TIG Draft SRP

The Draft SRP is being released in accordance with OPA, including criteria set forth in the associated Natural Resource Damage Assessment regulations found in the Code of Federal Regulations (CFR) at 15 C.F.R. part 990, NEPA and its implementing regulations found at 40 C.F.R. parts 1500-1508, and the Final PDARP/PEIS and Consent Decree. The Draft SRP provides supplemental OPA NRDA analysis for two Bon Secour National Wildlife Refuge (BSNWR) recreation enhancement projects considered in the

RP III/EA: the Mobile Street Boardwalk and Centennial Trail Boardwalk projects. Of these two action alternatives, the Alabama TIG proposes adding funding to the previously selected Mobile Street Boardwalk project. Fully funding this project would continue the process of restoring natural resources and services injured or lost as a result of the DWH oil spill. The additional cost to carry out the proposed action would be approximately \$1.5 million.

Next Steps

As described above, the Alabama TIG is requesting public review and comment on the SRP. After the public comment period ends, the Alabama TIG will consider and address the comments received before issuing a Final SRP.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Administrative Record

The documents comprising the administrative record for the SRP can be viewed electronically at <https://www.doi.gov/deepwaterhorizon/adminrecord>.

Authority

The authority of this action is the OPA (33 U.S.C. 2701 *et seq.*), its implementing NRDA regulations found at 15 CFR part 990, and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations found at 40 CFR parts 1500-1508.

Mary Josie Blanchard,

Department of the Interior,

Director of Gulf of Mexico Restoration.

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